Court No.3

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 26th day of March, 2003

Crl. Second Bail Application No. 185 of 2003

Order on the Bail Application

CRIMINAL SIDE

Trilok Chand
S/o Late Shri Dani Chand,
R/o Tok Bhandakholi,
P.S. Jhoolaghat,
Distt. Pithoragarh ..... Applicant

Versus

State of Uttaranchal ..... Opposite party.

Arising Out of Crime No. 37 of 2002
Under Sections: 302, I.P.C.
Police Station: Jhulaghat
District: Pithoragarh.

Hon. Irshad Hussain, J.

Heard Sri Lokendra Dobhal, learned counsel for the applicant and learned A.G.A.

This is second bail application of the applicant-accused. First bail application was rejected on merits. It is a day light murder case. In the F.I.R. specific role has been assigned to the applicant-accused. Learned counsel for the applicant, drew my attention to the inquest report and submitted that the name of the assailant is not mentioned at the time when the inquest proceedings were initiated. U/s 174, Cr.P.C., the requirement to prepare inquest is prima facie to show the cause with which the victim had been done away or murdered. The section does not require the nme of assailant to have been mentioned in it. Since the eye witnesses have supported the version, the mere omission of the name of the assailant has no bearing. There being no merit in the bail application, the same is rejected.

Dt. March 26, 2003 **(Irshad Hussain, J.)**

A